

CENTER CITY ADMINISTRATIVE DELAY AD HOC COMMITTEE

MAY 21, 2019

MULTI-PURPOSE ROOM, CITY HALL

11:00 A.M.

Committee Members Present:

Councilmember Bill Hickman
Jim Adair
Cameron Brewer
Lee Hall
Keith McCabe
Richard McKown
Autumn McMahon
Byron Morris
Councilmember Holman

Mayor Lynne Miller

Committee Members Absent:

None

Staff Present:

Jane Hudson	Ken Danner
Anais Starr	Carrie Evenson
Beth Muckala	Scott Sturtz
Terry Floyd	
Sara Kaplan	
Amber Armstrong	
Roné Tromble	
Tara Reynolds	

Public Present:

Jayne Crumpley
Russ Kaplan
Peter Petromilli
Kamala Jolly Stewart
Elliott Kahn

[A portion missed due to recorder malfunction.]

Councilmember Hickman – ... without moving one car and moving another car around to get another car out. You could have multiple cars all blocked in to a single entry and access point into a property. That was where I think that issue came up about the 75% tandem parking, because that's a pretty high percentage.

Ms. Hudson – Historically we have allowed, when we get an application in – typically we see them on duplexes – just a standard duplex permit coming through. We will allow them to have the two parking spaces that are tandem, but we've actually never been requested and we've never gone over that. It would just typically be the depth of the driveway area.

Councilmember Hickman – If we left it and kept it at two, but now we have added the parking requirements, what would that percentage be? Or if we said no more than two can be tandem?

Ms. Hudson – I'm not sure what the percentage would be, because it would depend on how large a parking area they were providing in the back of their development.

Councilmember Hickman – Could we change it to be just two tandem parking spaces? That sounds like that's essentially what they're getting now.

Ms. Hudson – That's what they're getting now. Somebody help me out here. What's the depth of an average parking lot you guys are doing in the back of your developments right now?

Mr. McCabe – About 45'-50'.

Mr. Morris – Are you asking just a parking stall?

Ms. Hudson – We've got these duplexes that are being developed. How deep is the parking pad from the alley to the back of the building?

Mr. McCabe – You have a 5' setback off the alley where no building could be. Basically, you have 2 parking spots parallel, 19' each spot. In the tandem parking you're allowed 38' – car in the front/car in the back – right now. By the time you do your walkway and all that, you're in the 40-45' coming off of the alley.

Ms. Hudson – Could you actually achieve a 75% total required off-street parking may incorporate tandem parking? We've had one that did tandem parking – two spaces deep. Is that correct, what you did?

Mr. Petromilli – Yeah.

Ms. Hudson – That was a struggle to get those because of the area in the back. Right?

Mr. Petromilli – My philosophy on this is completely backwards from Bill's, maybe. We're encouraging our tenants to park once and walk, so the tandem parking is fantastic for that because they park, they get blocked in, then they ride their scooters. It's the most efficient way to lay out hardscape on your project. We have no driveways. To me, I would encourage that gets opened up to 100%. We would actually encourage people to do that because it limits your hardscape, it maximizes parking so we're getting cars off the street, we're doing it in a way that reduces the amount of hardscape so allows you to have more greenscape on your project. We're addressing water issues and addressing parking issues and we're creating a park once/walk scenario. To me, I look at it in that regard. That's what makes sense on my projects.

Councilmember Holman – I want to make sure that we're able to – in the case of your project, you were able to save a very large tree in the back. It would have been more beneficial to you, probably, as parking spaces. I want to make sure that whatever changes we do, that we are not forcing somebody to do parking that's going to result in a large tree being taken out, because we're forcing them to use all of the space for parking. I do agree with that. I know it seems strange and I don't like to be blocked in myself. But I could see that where you get blocked in and then I'm just going to ride my scooter or walk around now.

Mr. McCabe – Let me address that, because we were discussing the difference of a tandem parking on one of my sites and parallel parking. On the street, where I thought two cars on the street was tandem and it came back to me that would be considered parallel. I was hoping if I built the on-street parking I would be able to assign those two spots to my residence that I'm building. Came back that I can't do it, because it's called parallel. But the way I understood tandem parking is you provide it behind the units, one in front of the other, and when you read item number 4 that says it shall be assigned to the unit – to me that says that the person parking behind you is in your same unit, so it's not a stranger that's parking and locking their car and walking away. It's somebody in your same exact unit. So you hang your keys by the door, and if you need to leave you just get their keys and move the car. As I read that, and as it was explained to me, that's the way I understood that. So I just wanted to bring that up, because that was pointed out that same people, same unit, have access to each other.

Mr. Adair – We have a lot of buildings downtown where you've got 100' building on the front of a 140' lot with an alley behind. Now again, it's similar to two people living in the same unit – you've got two people working in the same office, but they're parking one behind the other one in a lot of cases downtown.

Mr. McKown – 8 parking spaces here with a very narrow drive aisle and 45° angle coming off, or 8 parking spaces here, the way Peter is describing. You clearly end up with more pervious surface if you do the tandem. More yard, more places for dogs to pee.

Councilmember Hickman – Maybe this a section we just need to leave as is and not waste any more time on.

Ms. Hudson – Sounds good.

Then on page 58, that's simply a typo. When the document was written, they had a Section 704. That should actually be Section 703.

That's actually all of the technical questions that I had, with the exception that there are some that we have to go back to, which I want to do now.

These are just reminders of the meetings. We do have a meeting next week after this one on Thursday. Are we back in this room?

Councilmember Hickman – Another lunch meeting.

Ms. Hudson – Yes, another lunch meeting and we're back in the Study Session Room next time.

One of the things I wanted to go back to was the sign discussion. I don't have my sign guy here, I guess. The meeting before last, we had questions about Dr. Bird's project on Main Street. He is looking at having to go back and revise his adopted CCPUD that he did last year. When he requested the CCPUD, he didn't have his sign package in place at that time so there was really no way for him to know what he wanted to do. He wanted to be able to meet the scale of the building. His representative submitted to me these drawings that Dr. Bird would like to do. Currently, he's limited to a 2'x3' what the code actually described as a blade sign, but in reality I believe that picture is referring to more of a hanging sign. We didn't really have anything in here that was clearly depicting

what a blade sign would be. So he was limited to the 2'x3', but this one he's got at 2'x10'. Then there's also this where he would want to have his name above the door. This is his entrance here. He wants to have the blade sign up here. When you look at the scale, that looks very good. Then possibly, as this space leases out down here along the sidewalk, have something that would fit within this brick area here between these two windows. So what are your thoughts?

Mr. McCabe – I drove that area after he spoke about this. This is just my thought and I want to suggest this today. 95% of the buildings existing right now currently comply or they're really old; they're grandfathered in. Because of the amount of work that we have to do here, this is not a subject that needs a definition – we don't need to come up with a definition to this. It's clearly stated what needs to be. I'm not saying this against Dr. Bird. I think that there's a CCPUD in place if he wants to change it. I think, for what we're trying to do right now by clarifying language and us putting time on this, which is not their problem; I would like to table this, as a suggestion, so that we can clarify the language and we can get the moratorium or administrative delay through. I don't think this is holding up building in the Center City Form Based Code area. That is my suggestion.

Councilmember Holman – I probably agree. I think it's something we probably need to visit about at some point, but I don't know that it is something we need to spend time on when we have a deadline to reach as far as the delay goes. I do think there have been some issues. We did an exception or exemption – or we made some change for that processor on Gray Street, didn't we, in regards to their sign? I can't recall.

Ms. Hudson – They did a CCPUD, so within that PUD they had their documents ready to go, so they presented that to you and you guys approved it.

Councilmember Holman – It is something I want to look at again at some point, because I have some concern about having just different buildings and different size and scale and all that stuff is something I would want to look at again maybe. But I agree with you, Keith.

Councilmember Hickman – One of the comments I did want to make was I do think, if we get into the sign discussion, we need to limit it to just this blade sign issue that has been brought to us, because I think others have said – I believe Richard commented on there are lots of sign issues that we could get into, and that's something that we could put on for a longer, broader conversation post the delay.

I did find out that Dr. Bird's people did not file for their CCPUD amendment to address the sign issue -- that deadline has passed – because they thought that this committee was going to at least address the blade sign issue. It doesn't mean he couldn't file in June, but I just wanted to be transparent with everybody, since it was discussed and came up and we tabled it and said we were going to bring it back. It doesn't mean that we necessarily have to recommend what they're suggesting.

I guess to cut to the quick, what I would say is that I'm comfortable with a 2'x10' – changing the standard from 2'x3' to 2'x10' with the understanding it has to be approximately 2 stories – 20' – whatever. I can't remember what the standard is in there right now for the 2'x3'. One of the slides you had, Jane, I think had a measurement. It's

kind of what Richard was saying, if it's a certain amount of feet above the ground, then proportionally, kind of like how it is on the depiction there. It doesn't seem to me that it would be out of character or out of scale. So if this can be a simple conversation of we're comfortable with the 2'x10' 20' above ground – what is that height? Can we go back to the other slide that had the dimensions? You can see on the left it's 28'8" up to the middle point of the sign. It's like the 3rd floor is 24'. So if we made them put it 20' above sidewalk, that would be well up there on the 3rd floor, and I think that would be a measure of the height that giving a 2'x10' dimension, to me, would be satisfactory.

Mr. McCabe – Well, we talked about the fact that, no matter what we did, even if we changed it, by the time it got through it wouldn't meet his deadline. Then if we want to debate it, we can debate it, but I personally don't think a personal dentist office needs that big of signage. I don't think you're looking to attract walk-in traffic. It's not a restaurant. I get it, but I don't see it.

Mr. McKown – Dental Depot franchise would argue that ...

Mr. McCabe – When I walked the neighborhood and saw what I saw and actually physically walked the steps – and I know that Jim walks these steps every day. That's his home. If we're going to start making changes to do it, okay. But it's not just this one building; we're now talking all buildings and there's a lot of buildings. Whether we're right, wrong or indifferent, is it better if he would have a hanging blade sign as opposed to his flat sign. He couldn't get any more business.

Mr. McKown – It has nothing to do with that and has everything to do with how signs pull the pedestrian down the street.

Mr. McCabe – But it also clutters the street, in my opinion.

Mr. McKown – No. That's fine. I don't care. My I don't care level couldn't be lower. I'm tired – I'm so tired. I don't know if I want to participate in the debate about this. I would argue, if you're in favor of small, insignificant signs, bring photographs of an area – a tourist destination. Our number one tourist destination is our historic downtown. Bring some photographs of another town that has a tourist destination that has really small signage that is hard to find, and then we can contrast that with historic photos of when we look back and go, oh, how cool Oklahoma City used to be before urban renewal tore down 600 buildings – it was a collection of signs. That's what it was. People drive down old streets all the time and they're big, over-sized decorative signs from the 50s and they're like, wow, cool. An architect friend of mine in Oklahoma City has a whole collection of watercolors of nothing but big signs, and that's what makes Broadway in Oklahoma City really cool.

Mr. McCabe – I think they have their place. I love the fact when I walk down Reno and they don't allow signs over 10' in the air. I love the fact that they keep signage down low so that it is eye level. If you want to argue eye level, at least it's down low and it's not blocking horizon view. I can argue that. But when you're telling me you're going to stick

up a sign 30' in the air, I personally don't like it. I'll go back to the fact that I really don't think this is what we should be discussing at this time.

Ms. Hudson – I'm sorry. I apologize. I need to interrupt here. I think we have to table this until we can get some additional direction. I've been handed the amendment to the Building Code that was adopted by Council, and it says: Encroachments 8' or more above grade. Encroachments 8' or more above grade shall comply with Section 3202.3.1. Such encroachments, other than awnings and canopies, shall require a consent to encroach by City Council. I think we need to table this; we need to get additional discussion. We need to get Legal involved further with this.

Councilmember Hickman – Good recommendation, Keith. We will table the continued discussion about signage.

Ms. Hudson – The last item that I need to discuss from the actual document itself is the discussion for the complete and discrete. We've tabled this discussion. We've had some discussion that the document itself should stay the same. We've had other people state that it needs to be modified. I've got these two slides in here. This structure was given a Certificate of Compliance through the process of the Center City Form Based Code application. This was built under the code with the understanding that an application was required to have the variations in fenestration, bays, and so on and so forth. This application was ...

Councilmember Hickman – Jane, can you go back real quick on that. So does that mean that the brick and things are different color, or just the window designs and the door designs are different? Or both.

Ms. Hudson – This one came back after they were given the CoC and they are actually using the same brick now, because of the interpretation. They did have different textures of brick on this one, I believe, but they have since come back and the brick will be the same, but the fenestrations will be different so we will have that variation. All of the design professionals that I've worked with before we had the administrative delay have been very willing to add the additional detail, utilizing the code under what I was taught, where we have the variations in the different buildings. You can see on this one they put different doors on there to give some additional detail. We've got shutters on one side. They've all been very good to work with. This one was given the CoC after we visited with additional staff. We visited with the consultant that actually was here several years ago, and the interpretation that we received from the consultant was that, in fact, this is permissible if you're building on the single lot – the 50' wide lot there are no requirements for changes in fenestration or materials. Everybody has their own opinions on what they want to see at this 3' elevation within 10' of the sidewalk. I need a final direction of how you want this to be moving forward.

Councilmember Hickman – To me, that looks roughly like the duplexes that were being built before the Form Based Code, except for the fact that there's a 3' step-up. If those were lowered down to grade, that looks like something I would see or we have in place right now on DeBarr Street or Monnett or whatever. Am I visualizing this appropriately?

Ms. Hudson – You are correct.

Councilmember Hickman – Just want to put it in context for a picture that people could visualize being those – some people refer to them as the barns.

So committee members, these are the two options. I think we've had some discussion about this is what we call the complete and discrete consideration.

Ms. Hudson – Complete and discrete. It starts on page 17 in your draft document, and it talks about the façade composition, and then it continues over on page 18.

Councilmember Hickman – Let's start at the 30,000' level and say are we comfortable with having a rule that would allow identical structure, like in the picture that's on the slide right now, that would essentially be like the ones – essentially means that the Form Based Code doesn't apply, because of the spacing requirements so they could build the exact same thing that was essentially being built before – except for the 3' step-up.

Now go back, Jane, please. Or do we want ...

Mr. McKown – The other significant difference between this and the duplexes that have been built historically has to do with the setback and the parking that's been built in front of all of them.

Councilmember Hickman – That's true.

Mr. McKown – That is very, very significant in terms of its difference, in terms of creating a street experience.

Councilmember Hickman – That's a good point. In my mind, I was visualizing the one that's on the corner.

Mr. McKown – Just changing up the bricks is very artificial, superficial, and makes it look like clown make-up.

Councilmember Hickman – Fair point, Richard. In my mind, I was visualizing the one that's on the corner.

Mr. McKown – This is the problem why we're here, is because everyone is incorrectly assuming that everything that's been finished and completed and that Certificate of Occupancy was built under the Form Based Code, and there have been very few projects completed under this code. And so much of the dissatisfaction that you're hearing about is from that misunderstanding.

Mr. Adair – I think most of the projects that you've heard criticism of – and I may be wrong here – have a single entrance as opposed to two entrances that you were showing there. Is that right or wrong, Jane?

Ms. Hudson – They all have double entrances.

Mr. Adair – They all have double entrances? Okay.

Councilmember Holman – So, to me, if a lot of the buildings that were built under the previous code had looked like that, I would like them better – as in closer to the street, raised off the ground, stoop instead of just a slab porch. I like both these drawings. I like that one a lot and I like the other one, too. If what was built before looked like that second drawing, I would like them better. I agree I don't necessarily think that breaking up the façade with different colors or materials is always a very good look – sometimes it is, though – and in this one right here, I can tell it would look good if the two units were separate – they were identifiably a different color or the brick is laid out a different design. On the other one, because it's symmetrically the same – the whole building is symmetrically the same number of windows on each side, the same story – because it's all symmetrical like that, to me, I would be okay with it not being broken up, mainly just because I like the form of that structure and how symmetrical it is. One of the things that bothers me about what was built before is they're not symmetrical, they're not even, they're not balanced, and they look like they would be in a suburban neighborhood.

Mr. McCabe – Some of the buildings being built – I personally have one at 206/208 Eddington that is a duplex. It's 3 bedrooms down and I have a single front door. The 208 Eddington has a rear entry back door. A 40' wide, 2-story tall. I'm a single door in the front and a single door in the back. I want to go back to the fact of – again, I believe a 40' wide building on a single lot needs to maintain that uniformity. I understand the more breaking up, the more fenestration, if you're able to purchase additional lots – longer – and if that's something you wanted to look at in the 100' lots. I get it. I just don't get it on the small sections. We might not like what was built, and I believe that's kind of where that discussion is about the design review board. If that comes in, it's going to be more in the architecture. I think the form is still there. We're just not liking the look of some of it, and that's purely your opinion. But I'm kind of agreeing with Richard that I'm afraid that on a 40' building making it look different in 20' sections is not looking correct. So I'd like to stay away from that if we can.

Ms. McMahon – The intent of the code, to Richard's point, to make it walkable, to make it inviting, to get pedestrians out there. This accomplishes that without changing the façade, which I think there are a lot of opinions that has not been something that has been well-received by the community. I am in support of both of these things. I also, just from a practical standpoint, think it will streamline the application process, because I think there's been a lot of confusion around those – the front steps, what that 3' elevation looks like to get in. I would support this.

Mr. Morris – I have the same opinion as everybody else. What Richard already said about it's not just the elevation, it's the whole thing. It's how it's sited on the property. It's bringing it up to the required build line that's going to completely change the character from some of the properties that have already been built that people don't like. It's not just changing up the façade. I think that the complete and discrete – the whole page there – is very circular and confusing to try to interpret, and it can probably be chopped down to maybe just a couple paragraphs that would leave the requirements a lot looser

on that. Maybe determining what the maximum amount of frontage that it's going to apply to – whether it's 100' or even greater than that. A lot of it in there is just much ado about nothing.

Councilmember Hickman – Go ahead, Jane.

Ms. Hudson – We did determine, on page 18, under 2.b – we did agree that we're taking out the detached frontage section, because it just didn't make sense why that was in there anyway.

Councilmember Hickman – Do we all agree with that? That's in the single-family home section it shouldn't apply in any event? Okay.

Ms. Hudson – I had a note that number 4 – I had an X on that, just to take that out, but I guess I need to verify with you. Was that something you were really wanting to get rid of?

Mr. McCabe – No, ma'am. The reason why that number 4 was brought up is the word "exempt". When you brought forth to us the information where you were talking about this exact deal, that's the sentence – number 4 – I don't know the exact word, but that's the word you all deleted out of the new definition that you applied, and that's the definition that has the word "exempt" in it. On an infill project less than 100' that this was exempt from that. I do not believe that should be removed.

Councilmember Hickman – Okay. While it may or may not be perfect – because I understand, Byron, your comment – it sounds like if we leave it as is, with this clarified interpretation – meaning if it's less than 100' lot, they're exempted from this requirement, essentially, as Keith just said. Paragraph number 4, that's what we want. We're comfortable, if it's 100' or less lot, for them to be exempted. I'm fine with that if everybody is fine with that. I'm not an architect.

Jane, I don't know if we need to try to clarify it – and if you want to talk off-line with Byron and Beth – or if we just leave it as is and understand that's the interpretation that we're going to continue with and no longer have some of these struggles we've had, like Autumn was saying, on the review process cycle.

Ms. Starr – Jane, I was going to add to Byron's point. I see what you're trying to get at, Byron, but I think the committee discussed before that, leaving it the way it is, so that if there was somebody who came in who developed a whole block, you did have this device.

Councilmember Hickman – If it was over 100' project.

Ms. Starr – So if you had somebody come and do a full block, then they would have to do this.

Ms. Hudson – So the only change on that will be that we're taking out the Detached Frontage.

Councilmember Hickman – Correct.

Ms. Hudson – On number 3, where it's each façade composition shall include a functioning street entry door – for our corner lots ...

Councilmember Hickman – It's interesting you bring that up, because that's something that Byron sent me a message about, and we can talk about that now – if we get bogged down, we'll table it to the next meeting. So go ahead, Jane. There's an issue that's come up about corner lots – side lots – and Jane, why don't you explain that to the rest of the committee and, Byron, you can jump in and we can have a conversation about it, and if we can resolve it quickly, then great. If not, we may have to circle back to it.

Ms. Hudson – On corner lots, there are two RBLs, and typically they are the 10 or 12' will be on how the lot was platted – if it was a north/south plat, you're going to have that 10-12' on the street frontage of how it's addressed. But with this requirement in here, on the corner lot, you've also got another required build line on the side and it's 3.5-4' sometimes – it varies on some of these lots. If you've got a building that's meeting the 65% required build line on the side that it's addressed, and then you also have to get a functioning street entry door on what would be your side to the same unit – it's a little odd. You've got two doors coming in. So we were just wondering if, on the corner lots, if they are meeting the requirement for the required build line on the front of the lot where it's addressed, if it's the same unit, why would we want to require them to have a second functioning street entry door?

Mr. McCabe – I don't believe we do. I believe that we also require 75' building line, don't we, on the second side on the corner – so they're 65 on the address side and 75 on the side on the requirement on the residential build line.

Ms. Starr – 75% of the building has to be built to the required build line – it's different on the side than on the front is what you're saying.

Mr. Morris – The way it's been interpreted up to this point is we had to meet 65% on both frontages.

Mr. McCabe – I guess what my question is, again, I don't want to keep going there, but I believe this was intended for larger projects – not a 50' infill project. If you truly build the 65 on the front address and 65 on the side – that's a whole other debate about parking, but you're going to get absolutely none. So that defeats our whole purpose when even trying to get the park once and walk, because you can't with build lines on a 50' lot. So, again, I believe this was intended for a larger project. Maybe we make the suggestion of removing the side lot requirement, as long as you build up to the front building line.

Mr. Adair – So you're saying on your side you're 65% of 140', typically.

Mr. McCabe – Is what it's requiring now.

Mr. Morris – It makes it very difficult to develop. We came back 6-7 times before we could finally ...

Ms. Hudson – We had coffee together.

Mr. Morris – Yeah. Just trying to find something that would meet the letter of what this is saying, when clearly, the way that the siting diagrams are put together, it's for something that has one frontage, not two. You have four of these at every intersection, so it's something -- I don't know if it needs to be its own section – that could be a later discussion, but right now anybody who has a corner lot is having a hard time trying to figure out something that's going to meet the code.

Councilmember Hickman – Richard, do you have any thoughts or experience on this issue?

Mr. McKown – This diagram in the code has always been hard to understand what it was really wanting to have happen. Do you have any drawings that you worked out that were ...

Mr. Morris – The one that got approved, yeah. I've got that one with me right now.

Mr. McKown – Yeah, can we take a look at it?

Mr. Morris – I don't have a laptop where I can just show everybody ...

Councilmember Hickman – Byron, while you're pulling that out, I'm going to recognize Peter for a second, because I think Peter's first project he did, if I remember you telling me – didn't you have to add a building to meet this requirement or something?

Mr. Petromilli – Yes. We had to add a building to meet the 65% on the side.

Councilmember Hickman – On the Symmes frontage?

Mr. Petromilli – Yeah. One of the things I noticed later that was in the code that it mentioned that the parking setback – we have like a 30' parking setback where you can't build in the first 30' of your lot with your parking. If you're on a corner lot in the orange, I think that goes away.

Ms. Hudson – Well, it's for the square footage of the lot. I can read it to you.

Mr. Petromilli – But, yes. That was something that we actually had to add a building to meet that 65%.

Councilmember Hickman – Byron, I don't know if you wanted to pass that around.

Mr. Morris – We have a 3-unit development that's facing Apache, and then a 2-unit development that's facing Santa Fe. Each individual unit has a 2-car garage that's rear-loaded, accessed off the alley.

Mr. McCabe – Byron, do you have the elevations, by chance?

Mr. Morris – I didn't bring the elevations, but I can email them to everybody.

Ms. Hudson – I'll read this to you just real quick. On corner lots less than 12,900 total sq. ft. shall only be required to comply with the parking setback line at the front of the property and not the side street. For the purposes of this paragraph, the frontage street is the same as the street address. So that line right there might be a solution for the number 3, if we just recognized that the platted lots – so wherever it is addressed from, the side street would not be required to have that functioning street door.

Ms. Starr – Byron, you did get your 65%, right?

Mr. Morris – Yes, on this it does meet the 65%.

Ms. Starr – But this was after 4 or 5 iterations, if I remember correctly. You had several different buildings that you tried to fit on there. We talked about wrapping it around the corner.

Mr. McCabe – But when you got this, how wide is your frontage off of Apache? Are you at 50' or are you more than 50'?

Mr. Morris – It's 50'.

Mr. McCabe – So you're 50x140 lot?

Mr. Morris – Correct. Yeah. That's showing an adjacent property. When we started working into adding the off-street parking.

Mr. McKown – I'm confused.

Mr. Morris – You're right. I've gone through so many iterations of this. Jane, that reminds me why the solution you just come up with – why didn't we do that before – is because we have a lot that's greater than 12,900. It's 100x140'. That's why that didn't work for this particular lot. Sorry. So, correct, we were able to do that because we had 100' to work with on the corner.

Mr. McKown – This is a good solution. So when we take a step back and look at the 50' – 50x140' lot on a corner, essentially, it's impossible. There's no question it's impossible.

Mr. Morris – Yeah. Even with this solution, we were working without a survey of any kind, so it was just discovered that they're actually encroaching on an OG&E easement on the alleyway and they're having to chop off the floor in the middle of framing.

Councilmember Holman – For a corner lot, I like the way it looks – I mean as far as parking in the back, entrances on both sides, active edges on both sides. So I like what you were able to do with this.

Mr. McKown – Yeah, this is a great solution. If you split it half, and now you've got this driveway – I mean, you're basically dealing with ...

Ms. Hudson – Is that right? You've got units – these are 2-unit.

Mr. McKown – Well, again, go back to the – 100' wide, so split it in half, now all this drive has to shift over. So, basically, you get this L-shaped building. Setback 5 and then your drive aisle is 24.

Mr. Morris – Which we had it squeezed down to 20 to make that work.

Mr. McKown – Got to get a hallway down it to serve all that. So by the time you take your outside walls, you're down to – 14' wide spaces. Plus, if it's got to be multi-story, you've got to somehow get a stairway into it. The rule is why he has the second entry on that side.

Mr. Morris – To achieve the 65% on both frontages, instead of just on the frontage that you're addressed from.

Councilmember Hickman – I think the reason why it's 65% on the frontage is to keep the active street edge. I think that was the logic behind that requirement.

We've got a lot of other things that I do want to try to cover today. This is a good, important topic, but I think I'm hearing everybody – maybe if we can get Peter and Byron and anybody else who maybe has done some corner lots to send out some of the different versions of drafts that they had to do – like, Peter, I recall maybe you went through different versions as well – and send it to the committee members – especially people like Richard and Keith and others and Cameron, who know how to read that kind of stuff, and Stephen.

Ms. Hudson – We have to send it to Tara, and Tara can distribute it.

Councilmember Hickman – Then that way we'll circle back around to this at the next meeting so we don't get too bogged down right now. But I think if everybody had a chance to look at these designs, and when we send it out, Tara, can we send out the applicable section from the ordinance that's causing the challenge. So that's what we'll do. Committee members, we'll get the drawings from Peter and Byron that we can and send those out with the applicable language for you to then look at in your off time and then we'll put it back on the agenda for next time.

Okay. I think that finishes everything that was on Agenda Item number 2. Staff is working on actual amendatory language that we will try to bring back, also, to the next meeting for everybody to discuss.

We've basically talked about item number 3 already – the Urban General. It was a good conversation, good compromise. Staff is also working on that language that we will talk about later or at the next meeting.

But I want to go ahead and jump on down to item number 4 – the side yard setback and I think that, at one point in time I had said, and we thought that the Building Code would not allow us to really eliminate the side yard setback in the blue. Well, upon further discussion and reflection, we have our Building Code expert here – would you please remind ...

Ms. Armstrong – Amber Armstrong.

Councilmember Hickman – Amber here. So if we have question, Amber can answer those questions. I think the take-away is that we can eliminate the side yard setback in the blue and require the projects to go to the side yard line – property line. Is that correct, Amber?

Ms. Armstrong – Yes.

Councilmember Hickman – I want to reopen that discussion. You might remember, in orange we are making them go to the side yard lot line. We thought in the blue that we had Building Code restrictions, but Amber says that it can be done and there's ways in the Building Code to build it so that it can be done, and essentially those can be community walls or fire-rated to build all the way to the line. I know I'm saying that in a very layperson way. Right?

Ms. Armstrong – They can be single walls or common walls.

Councilmember Hickman – Common walls. I want to reopen that discussion. If you had specific questions, we have Amber here who is the Building Code expert, or if folks feel like they want to require in blue to go to the side yard line, then staff can make the changes in the ordinance to make that happen. Byron – and I'll go around. Stephen, you're next.

Mr. Morris – So what would prevent us from having the same solution that we just came up with at the last meeting in the orange for the blue as well? Or what would be a negative to doing that? Because, after thinking about it, everybody really liked the idea of the solution we came up for the orange. Why couldn't that also apply to the blue?

Councilmember Hickman – Well, I think that the big difference would be that we wouldn't – in orange, the compromise in part was to require them to comply with the commercial standards on the ground floor, even though they could put residential in there, so it would be easily convertible. In blue it's all residential. So we don't have to have that part. To me this is even simpler, I guess.

Councilmember Holman – To me the entire block being one continuous line – the spirit of what we wanted the blue area to be was urban – if you go to Brooklyn, New York or Chicago – rowhouses – continuous line one street to the next. And we've see what is

being built has the gaps in it. To me, that's 10' more of livable space that isn't being used that maybe the building doesn't go back 10' further or something because they've got more space on the side. I, personally, want to see connected buildings all the way across. It would be appropriate, in my view, for this.

Mr. McCabe – Ee decided that it can be built by code, side yard to side yard, no setback. We will still have to answer all of our means of egress – all of those situations, but you're determining that we can go common wall/common wall as long as we can figure everything else side yard to side yard and we're able to go – and does the 100' still apply to where, if we go side yard to side yard, and we're going to do the 10' break in between on 100?

Councilmember Hickman – Good question. A quick sidebar – we've also determined that the 100' can be removed. Right?

Ms. Hudson – Yes.

Councilmember Hickman – So coupled with this discussion about requiring to go to side yard line, we can also remove the every 100' you have to have a 5', 10' ...

Ms. Hudson – 10 to 20.

Councilmember Hickman – 10 to 20' break. So the world is your oyster. You've got lots of options now on that.

Mr. McKown – That's really important.

Councilmember Hickman – I didn't mean to interrupt you, Keith, to answer that question.

Mr. McCabe – That's very important.

Mr. Adair – Amber, I'm assuming we're going to a fire-rated wall? Is that what the difference is here?

Ms. Armstrong – Once you get to a certain distance from the property line, it has to have a fire resistance rating. A fire resistance rating is dependent upon whether you have – if it's a 2-unit the residential code doesn't require fire sprinkler system. If it's a 3-unit it does. So it depends on whether the sprinkler system is required or not and what the rating of that wall is. It also depends on whether you build 2 independent walls – so basically the exterior wall on this building and an exterior wall on this building – or you build a common wall for both.

Mr. Adair – If one person builds a fire-rated wall and does or doesn't do a sprinkler, but builds to their property line, the neighbor could still set back 5' and not trigger a higher requirement? I guess my question is, if I choose to build to my property line am I forcing a higher requirement on my neighbor?

Ms. Armstrong – No. Your neighbor's requirement is based on his distance from the property line.

Mr. Adair – Am I forcing a greater setback on him?

Councilmember Hickman – Jim, I think the discussion, as I've heard, is whether or not to make it required – mandatory. If everybody is required to go to the wall, or to the line, then – and I think one difference, Amber, when we talked about this before – was actually we've already required in the Form Based Code area for sprinklers in duplexes and all of the blue is 3 units, so all of these products are going to require to be sprinkled. So they're either going to build essentially ...

Ms. Hudson – We had a bedroom requirement on that, right? A bedroom count. That wasn't just every duplex.

Councilmember Hickman – You're right. Four bedrooms or more. You're right. That's true. My apologies. Blue is all 3 units, and that does require sprinkling; the blue is all going to be sprinkled regardless. The pink, 4 bedrooms or more, as we've now redesigned this. The pink would be duplexes and 4 bedrooms or more in that area now would have to be sprinkled. Essentially, if we make them all go to the building line – the side lot line – the benefit is if you own both or you are willing to be a good steward and build a community wall or common wall, you could build a common wall with the first person, according to Amber is that you're going to spend more money up front building a common wall, and then the next guy can do a little bit cheaper when they add onto it. It's arguably, I guess, maybe better if we have just one common wall and you're building right on the line, versus two walls. I don't think we're putting any more burden on the person next door. I mean, arguably, how we were doing it before put the burden on the neighbor because we required that 10-20' break every 100' and if you got so close to the side yard line, we were making the other person set back from that, essentially. So this solves those problems and allows that smooth meeting. I'm going to call on some of the committee members that had their hand up. Lee?

Ms. Hall – My question is, if we're limiting the blue area now to a minimum of 3 units, so if you're going from side yard to side yard then that gives you more room for each unit, correct?

Mr. McCabe – Could.

Ms. Hall – Okay. How does that impact our thinking on trying to get more diverse kinds of housing and get these units to have a smaller number of bedrooms for different types of people that we're aiming for? Does it still encourage that?

Ms. Hudson – Well, that's all on the designer – what they design for and the property owner, design professional – what they're shooting for.

Ms. Hall – Because there are 3 units, they're going to be by design smaller than if you were building a 2-unit building. Well, I'm asking?

Mr. Morris – That's the crux of the solution that has come up with when we were discussing the orange during the last meeting, is the fact that, since you're building side line to side line, you're going to lose those two elevations to put windows on, so you can only have rooms that are facing their front or rear elevation – that's going to force it, or at least have it trend toward being a smaller number of bedrooms per unit. You don't have those 2 side walls to work with.

Ms. Hall – Well, that's a desired goal, I think, of the community to have more diverse housing types and not a single housing type. I just want to make sure that's going to be the consequence of the changes that we're making in the blue.

Mr. McCabe – I truly believe that side yard to side yard, because it will reduce the second means of egress, which is the side windows out the side, I believe is going to give you your desired want. I believe this design will give you that.

Mr. Morris – Your units will only be 2 bedrooms deep.

Ms. Hall – Okay.

Mr. Morris – Some may be facing the front; some facing the back. But there's nothing in the middle.

Mr. McKown – Yeah. What I'm trying to illustrate with this, this is a 50' lot. You've got a center hallway, so basically one door in front, one door in the back, two means of escape. One of these, you're going to pull in and have a stairwell and then this bowing back into living area. I was trying to keep this on a 50x50 because that's just a dimension that seems reasonable. These are 10' wide bedrooms each, and that's really all you're going to be able to get in there. That's a miserable little living area. Realistically, this ends up as a 2-bedroom unit with kitchen, living, dining toward the front or toward the back.

Ms. Hall – Which is accomplishing one of the goals of trying to get diverse housing types that might appeal to seniors, young professionals.

Ms. Starr – Because they can still stack.

Ms. Hall – Yes. So you're getting your density there. Okay.

Councilmember Hickman – Cameron, do you want to add to this discussion?

Mr. Brewer – I will just agree with the philosophy behind why we want to do this in the first place. I've seen what's been built already, and I think those separations create a false sense of what we're trying to achieve, and also aesthetically it just does not look good in the first place. So if we're going back a little bit to the discussion about orange and really trying to encourage retail that could be long-term in that area, having a much more urban look, I think, will lend itself to the viability of retail long-term. So you're looking at the blue area on the map and proximity to orange along Comanche and orange along

James Garner. In my opinion, it will make a much more meaningful connection between Main Street and Campus Corner and it's that connection that you need that would add to the long-term viability of retail in that area. So as long as it's possible, I'm in full support of this now.

Councilmember Hickman – I was totally excited. And I want to appreciate and tell Amber thank you very much, and all the staff. I know that Jane tasked Amber to really dig into this and staff did and I had an opportunity to have a discussion with them prior to this meeting and thought you all would be excited about this one. I think we are all probably unanimously excited to see these changes made. So, if I hear the committee, we all want to require – now, let's be clear, are we talking just blue, or blue and pink? And pink is the new area – the duplex area, I guess you could say, that's DeBarr and Jenkins and Monnett.

Ms. Starr – Blue and orange.

Councilmember Hickman – No, we already said orange. Orange has already been decided it's going to go to side yard line.

Ms. Hudson – I received a phone call, and I don't know if this is something you guys can finish at this meeting, but I received a phone call from someone that a lot over on Deans Row, which would be the new pink area if the pink is adopted – so we limited the pink to 2 units. Up to 2 units. So that could be single family home, it could be a single family and a garage apartment, or it could be a duplex. But there are some 75' wide lots over on Deans Row – not many on Monnett. But the individual is wanting to sell it, but they're selling it as a 75' wide lot. If we restrict that to 2 units, that's not really a viable redevelopment for someone. I just want to throw that out there, because I did receive a phone call and they said that they were concerned how were they going to make their money back on a 75' wide lot and being limited to a 2-unit development. I'm the messenger. I wanted you to know that someone had called and asked that.

Councilmember Holman – To be clear again, is the pink more restrictive than the zoning that existed in this area before Center City?

Councilmember Hickman – I don't think so.

Councilmember Holman – Is there an argument that we're taking away their existing rights that they had before Center City and restricting what they were able to do before?

Councilmember Hickman – You're meaning when it was R-3?

Councilmember Holman – When it was R-3. Could they do more under R-3 than what the pink allows them to do? Because that was the compromise and why we made it blue, was because they argued that you are taking away my existing rights and I'm going to be able to do less. So if you want me to agree to this, you're going to have to – if you don't want me to protest the entire rezoning, and you guys require a super-majority to pass it ...

Mr. McCabe – The biggest problem I had with the pink was that it actually set a restricted build height. There was no set limit in height in the pre-existing R-3. The pink actually set the build height. With the 3' elevation, you could not build – so that's exactly where it came from. In raising the elevation and then because in the pink the build height is maxed out at 27'. So you add the 3' elevation, I've only got 24' to build in, and you can't build. So that's where the argument came from.

Councilmember Hickman – It wasn't based on the number of units. In R-3, you could only go up to 2 units anyway.

Ms. Hudson – Well, no.

Mr. McCabe – No, you could do a triplex, but in R-3 it was based upon lot square footage. So if I had 6,000 sq. ft. I could build a single family; 7,000, which is your typical 50x140 was a duplex; and if I had 10,000 sq. ft., which is the 75x140 lot Jane is talking about, it allowed for a triplex.

Ms. Hudson – Triplex, right.

Mr. McCabe – So it was lot-based – decided what you could build.

Ms. Hudson – Did you say that there's – so in the R-3 section, no building shall exceed 3 stories in height. Is that what you said at the beginning of your ...

Mr. McCabe – Correct. But the height limit is not defined as we defined it – we actually put a true number in the pink, and then the old R-3 is under that debate we talked about, Ms. Jane, about the 3rd story under attic or in attic, and there's a lot of 3 stories that are actually in attic existing right now on Deans Row, Jenkins. There is one on Monnett right there on the corner of McCullough and Monnett – I think it's 815. So those are truly 3 stories, but they're in attic, not under attic. And the pink actually gave a true number requirement.

Councilmember Hickman – Okay. Let me ask this question of the committee before we circle back around to the side yard line to clarify. In the pink, if we bring back pink, are we comfortable saying – I mean, blue is 3 units or more, just to be clear. If we said in pink, it could be up to 3 units, meaning single family, single family detached, duplex, or a triplex – 3 units. It sounds like in R-3 originally there were some of these lots in the pink that could be 3 units, and I'm sensitive to what Stephen is saying, and then also clarifying the height to be 3 stories, which is what R-3 was before, so we're not hurting any property owner in the new pink area, but we're still distinguishing it from blue in that blue 3 units is the floor, and we want that as a minimum, and most of the lots in that pink area are only going to probably be able to fit 2 units because of the lot size, but we have a handful that have the 70 or 75' frontage and could do 3.

Ms. Hall – How many lots are there that are 75?

Councilmember Hickman – To me, the key difference is that we're saying blue is 3 units or more, so we're, by definition, putting the duplexes in the pink area, which I think was part of the goal to get that diversity of housing.

Mr. McCabe – 6.

Councilmember Hickman – Keith says it's 6.

Ms. Hudson – Well, within this entire area, which is what would be the pink, there's 13.

Mr. McCabe – I'm sorry. I was thinking about that hasn't already been pre-built.

Councilmember Hickman – Oh, 6 left.

Mr. McCabe – I think there's only 6 left. So could we not, in theory – if you, under the R-3 so we're not considered taking, and to address this issue – if they actually have the 75', can we not maybe consider making an exception that if you truly have the 75' lot by 140 and the 10,000 sq. ft. and you had that right to do it before, that those lots get to remain with that – that they can do the triplex unit? Because it builds on the lot.

Councilmember Holman – I just don't want the City getting sued because we're taking away ...

Councilmember Hickman – Keith, are you okay with saying, in the pink, you can go up to 3 units under the structure or attached on a lot, which is kind of like what we've done with blue. Up to.

Ms. Starr – For every lot?

Mr. McCabe – No, I think we can define it by lot size and I think that solves the problem for the City on those 6 lots that are left. They can go to a triplex. But I'm not comfortable – I think the blue should go lot line to lot line – side yard to side yard to achieve that look. But I like the separation in the pink ...

Ms. Hall – I do, too.

Mr. McCabe -- ... of the side yards. So I don't want to see the side yards in the pink going away. I think the grass needs to stay.

Ms. Hall – I also have a question about the actual boundary lines.

Ms. Hudson – Boundary line of the pink?

Ms. Hall – On the pink. I thought on the draft slide that keeps poking up, this is included in the pink? Why is that? I thought we agreed that the pink boundary was going to be Duffy.

Councilmember Hickman – Should it go up Jenkins? Is that Jenkins? Lee's question is this part – should this be pink or blue?

Ms. Hudson – Santa Fe.

Councilmember Hickman – Santa Fe. I guess even that little bit right there on Jenkins. Or should this be blue.

Ms. Hall – I'd have to go back and look at the minutes, but I thought we discussed having the boundary for the pink now be Duffy – the north boundary was Duffy.

Mr. Morris – Yeah, we did.

Mr. McCabe – We did.

Ms. Hall – Okay. I just want to make sure we're clarifying that.

Councilmember Hickman – I guess the question is – Keith, Byron, whoever – are we good making this blue? To be consistent on that street.

Mr. McCabe – I think so. That way we're consistent. Right now with those two fingers that come up to the north of Duffy – at this time, there's no new development going on – not that they haven't been bought – but there's nothing happening at this time.

Councilmember Holman – Blue on that leg on Santa Fe all the way down to Duffy. And then extend the orange down to Duffy.

Ms. Hall – And then Duffy is the north boundary of the pink.

Mr. Adair – Bill, what if in pink, for simplicity, you said 1 unit per 25' of frontage?

Councilmember Hickman – Can we do that, Jane? So on these 3 streets up to 1 unit for 25' frontage. What do you all think? Something similar to what was in the R-3 zoning code is what I'm hearing.

Mr. Adair – Obviously need to define the primary frontage, not a side yard.

Councilmember Hickman – We could even do it by lot size, which is how it was in the R-3 zoning, instead of frontage.

Mr. McCabe – Like I said, if you go to the regular pink, and give those 6 to 13 remaining lots that already have the 10,000 -- 75' -- to go back to their triplex, you're not taking anything from anybody that they didn't already have.

Ms. Hudson – So I just want to make sure I got this correct. We're going to pull the blue down to here, correct?

Mr. McCabe – Yes.

Ms. Hudson – We're going to pull the orange down here.

Councilmember Hickman – Yes.

Ms. Hudson – Then what's established here will be the pink. Correct? These will be the only two changes that you're requesting.

Councilmember Hickman – Okay. Then what I hear is, the pink area – it sounds like the easiest solution might be to go back to the old R-3 code that was based on the lot size, and say – I don't remember what it was – 2500 sq. ft. lot you could have 1 unit, 5000 sq. ft. lot you can have 2, 7500 sq. ft. lot – whatever the numbers are --you can have 3. Are we good with that? And clarify the language in the Form Based Code that it can be 3 stories in the pink also to be consistent with R-3. Are we good with that everybody?

Ms. Hall – Is that under roof?

Councilmember Hickman – Well, I just want to make it clear. Jane, can we make that clear? Are stories defined? If it was R-3 and was 3 stories ...

Councilmember Holman – I think it was in feet.

Councilmember Hickman – Was it a foot?

Ms. Hudson – It says ...

Councilmember Hickman – I'm talking about the original R-3.

Ms. Hudson – Yeah. That's where I am. Exceeds 3 stories in height.

Councilmember Holman – Does it define what story means? I mean, I can make a 20' story and have 3 stories but 60' high?

Ms. Armstrong – I have a definition of story in the IRC, which is a portion of a building between the upper surface of a floor and the upper surface of the floor or roof next above.

Councilmember Hickman – Doesn't matter if it's 10 or 20 – it doesn't matter how big it is.

Ms. Armstrong – But that would include attic as a part of the story.

Councilmember Holman – The attic thing was the problem.

Councilmember Hickman – Okay. So can we add in the definition of story to the Form Based Code and say pink can be 3 stories?

Ms. Muckala – Story is defined. If I'm not mistaken, it's very similar to what Amber just read.

Councilmember Hickman – Okay. I want to wrap up this point and move on for our last half hour or so. What I hear – and, Jane, make sure I say this correctly – is in the blue we're going to require them to go to the side yard lot line – property line. We'll make whatever changes in the Form Based Code to make that happen. In the pink we're not going to require them to go to the side yard line – leave it as is. We're going to clarify, in the pink, that you can have 1, 2, or 3 units based on the size of your lot, to be consistent with what it was in R-3. And in pink you can go up to 3 stories, and it sounds like we already have a definition of stories, and that would also, then, be consistent with R-3. The blue will remain 3 units or more are required on each lot under structure or attached, as we have on the slide we've already talked about on the blue. So does everybody agree with that?

Mr. McCabe – I'm agreeing with that – we just need to make sure that when we talk 3 stories, when we go back to the blue – when you go back to the original draft, when there was truly a pink – this is why I save everything – I know it's pathetic – so when you go back to the original pink, it actually defined the upper story. It actually has a definition in here in the pink about the heights and the in-attic story, and that it allows for a building of a 3rd story in-attic, not under attic.

Councilmember Hickman – Okay. And that's in the ...

Mr. McCabe – It's in the original.

Councilmember Hickman – And you're comfortable with that.

Mr. McCabe – As long as we get the right height to allow it, and we get rid of this 27' height that cannot be built, I can do that. The project that I have going right now on Eddington, love it or hate it, I'm standing at 37' from ground floor to the top of my ridge. It will not fit – and I am 2-story with a 3rd story in-attic. But with a 3' elevation, I'm standing at 37'. Tammi McCown's property on Monnett, love it or hate it, 3' elevation, she's standing at 42'. There's no way these can be built under 27', which was under the original.

Ms. Hudson – So under building height, number 1, you've got each building shall be at least 15' – no greater than 2 stories with an ultimate building height of 27. You can't meet that.

Mr. McCabe – Cannot meet that.

Ms. Hudson – We're doing 3 stories, and are we saying a maximum height of?

Mr. McCabe – I would say, if you're going to do the 3rd story in the attic story, and it gave us the right to do that – I think if buildings are being built right now at the 3' elevation and it's taking 42', I say that's your height.

Ms. McMahon – We didn't have a height in the previous R-3, correct?

Mr. McCabe – Correct. There was no height there.

Ms. McMahon – So then maybe to Stephen's point ...

Ms. Hudson – R-3 previously ...

Ms. McMahon – We limited stories, not feet.

Mr. Adair – Keith, is part of this roof pitch?

Mr. McCabe – Yes, sir. What it is is to get the roof up there, then the 3rd story, or what they call an attic story, is allowing me to build a bonus room – whatever we wanted to call it over the years – that's actually in the actual attic of a building. I think the definition between an attic story and a 3rd story under attic would be a true more commercial building that we're going to see in the blue – 3 stories and a complete attic.

Mr. Adair – But you're also doing a roof pitch that's more consistent with a lot of your larger scale residential construction.

Mr. McCabe – What we're doing is going to a 12:12 pitch roof, which is actually more, like you said, is what's more in the neighborhood, because there's already multiple examples of existing 2-story with an attic story sitting on Deans Row, sitting on Jenkins. There's buildings already there in place. I think we're trying to match that. We're not changing it. But all of those buildings built are higher than the 27 that would have been restricted in the pink.

Councilmember Hickman – Okay. Jane, are you clear?

Ms. Hudson – Well, I've got it. I want to get it in black and white. That's why I want to get it back to you guys before we ...

Mr. Petromilli – I'm sorry. I have one question. In blue we're allowed to go side yard to side yard, not required?

Ms. Hudson – Required.

Mr. Petromilli – So it is now required to go side yard to side yard.

Councilmember Hickman – Yes, that's what they're discussing is in the blue requiring it. If we don't require it, then you end up having the hodge-podge look.

Mr. Petromilli – Is that just at the required build line?

Councilmember Hickman – The side yard line.

Ms. Hudson – Side property line.

Mr. Petromilli – But that's only at the required build line. We don't have to go side yard to side yard all the way back?

Councilmember Hickman – Just the building.

Ms. Hudson – Well, hang on. Let's make sure. You've got a lot that's an interior lot. You've got your required build line at the front, but your building would be required to come to the property lines on either side for however far you're going back with your building, and then your parking area would be in the rear.

Mr. Petromilli – So we couldn't have – behind the required build line to where, say we have a livingroom that's the entire front – livingroom and kitchen – we couldn't jog that back and put a side patio or something after we're past the ...

Ms. Hudson – Well, I've got to ask Amber. If we've got a side yard requirement and someone jogs in 8' for a patio area on their livingroom here in the front, and then I come in and I want to build up to the property line here, what does that do for this patio?

Ms. Armstrong – It would be allowed. Depending on how deep it is, that wall that the opening is could be required to be rated or no opening. So it's going to have to be at least a certain distance away from the property line.

Councilmember Hickman – The wall that's – the building?

Ms. Armstrong – Yes.

Mr. Petromilli – Not the neighbor, but the ...

Ms. Armstrong – Yours.

Mr. Adair – So that would facilitate, potentially, some windows on the side if you cut in.

Ms. Armstrong – If you stay – I think this has been amended. So let's find out what the exact dimension is.

Councilmember Hickman – Well, we don't want to get to where – if we're going to require them to be adjoining, what I had envisioned is if you have 20' of your building is straight linear back and then you stepped it in 10' and then went back in the lot another 20', but not that you could carve out a little nook in your building. I understand what Peter is saying. I'm just trying to make sure that we're not creating an exception that, like Jim said, will start allowing windows and all kinds of – creating an exception that really doesn't end up creating the look of it being connected.

Mr. Petromilli – Just to be honest, it's the only way to put a 3-bedroom unit on a lot like that. I've worked it about 40 different ways, and if you can't jog back as you get past your RBL, you're essentially requiring 2-bedroom units and you've halted anything else.

Mr. Adair -- I have two concerns. One is your streetscape – what you're seeing at the required build line. The other one is the configuration of the bedrooms.

Councilmember Hickman – I think we're saying the same thing. Once you bring your building in, you break off of the side yard line, I don't think any of us disagree with that. I'm just concerned that if we have the side yard line, jog in 10' for a 10' little side patio, and then reconnect to the side yard line and go back down – you're almost creating like a little trapped in area, I guess. I'm worried about exceptions to the rule – to how it can affect either the look – having just the front 10' being connected creates maybe the look from the street, but it doesn't actually create the common wall that I thought we all wanted, and then ends up with more windows on the side of the building that was Lee's concern.

Mr. Adair – I think we're functionally trying to prohibit a 6-bedroom unit, but I don't think we're trying to go so far as to choke it down to a 2-bedroom unit.

Councilmember Hickman – No. I thought Richard did a sketch that showed 3 bedrooms.

Mr. McKown – Pretty crappy. You've got basically no livingroom, and then once you start stretching it to make it longer and skinnier, you're talking about a 10' wide livingroom.

Councilmember Hickman – But that was on each floor, though, right?

Mr. McKown – Yeah. Stacked flats with a single common stairwell. Peter is right. I won't build this. Once you start making it bigger, now it's too big. You have too many square feet to rent. So, yeah, we've essentially hemmed it in. If the buildings touch across the front, and then we allow it to be an L-shape going back, you'll never know it from the street.

Ms. Hudson – What if we required to be – on the orange and the red, we've done a ceiling height of 14' – whatever it is – for a distance of 30' back into the building – or 25' back. What if it was required that you had to be ...

Mr. Morris – That the buildings be contiguous for a certain depth into the lot.

Ms. Hudson – Right.

Councilmember Hickman – Well, that bedroom that was in the back of your schematic – I mean that could have a patio out into the back yard.

Ms. Starr – And you can make them stacked. You don't have to be side-by-side.

Mr. McKown – I haven't even started trying to draw what we're talking about.

Councilmember Hickman – I'm thinking like a Main Street. Those building – those walls touch as far as each building runs parallel to each other. You don't have little hidden nooks where, if you come up from the alley, you can walk between the two buildings.

Mr. Adair – But you do in apartment buildings.

Mr. McKown – It happens all the time in residential cities. You can look at aerial views of cities all over the world, including United States, and see this kind of little sawtooth thing, where it goes back so that you can get light and ways of egress. It's not particularly a great place to grow a tree – in fact, a tree will never grow up in there. It's reflected light off another brick wall.

Ms. Armstrong – I just want to clarify. I heard something about a little patio that the livingroom could open out onto, and then I heard something about having this recessed area you could get a 3rd bedroom that has an opening. If you have a bedroom that has an opening into it, that courtyard area has to be open in one way to the public way. You couldn't create a space bounded basically by 4 walls and have a bedroom dumping out into that because you're trapping a person there. They would have to be able to go out the back.

Councilmember Hickman – You could do that for a kitchen – a side for a kitchen that would have a grill.

Ms. Armstrong – Yes, a kitchen or a livingroom – anything that's not a bedroom. Now we would have a problem if we started calling these studies and whether the study looks like it could be a bedroom or not – whether it could open into that. So there would need to be some clarification there, but if it's not a bedroom or a room that could be used for sleeping, then it could open into that court that's completely boxed in.

Mr. Kaplan – I'm going to jump in, if I could. How about we just say it can't come back out. Once it bumps in, it has to carry to the back. Would that make everybody comfortable, because I think that accomplishes what Peter is trying to address. What do you think, Richard?

Mr. McKown – I didn't quite hear everything you said.

Mr. Kaplan – If it bumps in, once it bumps in it has to go all the way to the back of the building. You can't come back out to the property line and create this trapped courtyard problem that Amber is pointing out.

Mr. McKown – Sure. Yeah. I agree. You can't have people jumping down into a firey well of death. I'm still not sure we've created something actually buildable. Just give me a minute to draw through it. We're using words to do something – 100% of our buildings are built using pictures and never descriptions. Right? Nobody reads the

instructions, except occasionally when you buy something from Ikea you look at the pictures. We build buildings with pictures. So this is complex.

Peter, do you have any drawings that you could bring or send us that look at different ways you've looked at this?

Mr. McCabe – I feel like we're trying to take the blue, which is residential, into a commercial orange. I don't think that's our intent. If we want to take the blue side line to side line to do a continuous block space, I understand that. But if a developer wants to build light tunnels, bring his building back in 10' to gain a bedroom or two, I think that gives the developer the right to build what he wants to build, and it still gives you the frontage of what you build, and when you look at what's illustrated in the blue, it showed that during the charrette that you could do that. I don't believe the continuous straight wall back is the answer. I think if you want to connect on the front, I think that gives you the look. I think that gives you the walkability. But I think you have to allow the builder/developer to work on his lot with the light wells, the 2nd means of egress and whatever – how he comes in and out – and Amber has already explained that can be done by code.

Councilmember Hickman – So are we – go ahead, Lee.

Ms. Hall – So how does that encourage diverse housing types, and discourage the single housing type that we're currently building?

Mr. McCabe – Well, in my opinion, I think we're already seeing a large change in the market. I think we're seeing less call for those large units. I've got units for rent, so I can verify that.

Mr. Petromilli – I can even say that I can't fit a 4-bedroom on this. What everybody in this room isn't realizing is that, once you start stacking these, you basically have the opportunity for a 1 or a 2-bedroom if we build as they said. If we allow it to jog in, then you can get a 3rd. But if 4 doesn't fit, 5 doesn't fit. Because once you start you go, okay, well, I have an option where I can walk into a livingroom. I can put a kitchen behind it, and a bedroom behind that. Well, then, now I have to go up to my second floor. So on the 2nd floor, I have to either do that again, or I have to add 3 more bedrooms. But I can't add 3 more bedrooms, because I'll have a side wall, and nobody wants to do it from a parking standard. Then what do you do on your 3rd floor? There's just so many constraints that, if we required side wall to side wall all the way back, you're looking at 2 bedrooms. Somebody might be able to find a 4-bedroom way to make it work, but it becomes very inefficient. It goes the opposite way, like Richard was saying. It becomes too large, you can't rent it, because there's too much square footage per bedroom. There's a function to all of these; there's an equation to every one of these that makes it work or not. All I'm saying is that, basically, if you require side wall to side wall all the way back – or side yard to side yard all the way back, you're prohibiting anything but a 1 or 2-bedroom unit. Even at that, they become way too expensive and it devalues the land so much, because if all I can put is a 1 or 2-bedroom on these, no one is going to buy them.

Councilmember Hickman – Okay. So is the middle ground here – go ahead Stephen.

Councilmember Holman – I was just looking at satellite pictures of New York City, just browsing around looking for anything that might resemble what we're talking about. I think I found something that is a little similar to what we're talking about here. This building right here, continuous frontage uninterrupted, but in the back you can see it's got – just like that. I don't know how that's done. But maybe that can be an option.

Councilmember Hickman – So like what Byron said was maybe the first 25' feet have to have a common wall on the lot line, so that you have a common portion that's going to be going to be adjoined at the lot line – side yard line.

Mr. Morris – Maybe. Maybe 20'.

Mr. McKown – That's the number that's in my head.

Mr. McCabe – I can agree with 20.

Mr. Brewer – 25 would be good a percentage of the building. So I think that structure is you're going back – it would be like basically half a room.

Councilmember Hickman – Jane, I think – have we compromised on 20' in the blue?

Ms. Hudson – So the first 20' ...

Councilmember Hickman – From the RBL ...

Ms. Hudson -- ... from your RBL has to be lot line to lot line.

Councilmember Hickman – I think that's what we're saying.

Ms. Hudson – Property line to property line.

Mr. McCabe – What does that do to your numbers, Byron? If a typical building that we're building is 40' deep – does it make sense to go half your building, Richard, or does it make sense to go a third of your building? Just asking.

Mr. Adair – We're trying to accomplish streetscape.

Mr. McCabe – Yes, sir.

Mr. Adair – And we're trying to – to Lee's comment earlier, this is giving us diversity.

Ms. McMahon – That would kind of be my thought. If the goal is you have the continuous frontage, why are we requiring them to that depth? Is that your point?

Mr. Adair – If you've got continuous frontage, you've got your streetscape.

Ms. McMahon – Right.

Mr. Adair – I mean, whether it goes 5' or 25', you've got your streetscape set.

Ms. Hudson – Inevitably, there's going to be ...

Ms. Hall – And you're allowing more windows and the potential for more bedrooms.

Councilmember Hickman – Well, what I would say – I just want to jump in. From my experience, and Cameron may or may not agree with me, but from my experience on the Historic District Commission, which the rule was if you can stand on the sidewalk and you can see it, then it was within our purview, for lack of a better expression. So using that thought process in my mind, I do think that having some degree of – and I guess the issue becomes if you have a 2-story next to a 3-story. You could have where you could see the split off of the buildings. We're all envisioning they're all being the same height and so at the street if they go 1' they look the same. But it could be a different variation of height, and if one goes back only 5' then it jogs in, that's going to be noticeable from the street and you're not going to have that streetscape. Now, you could argue that 10, 20' is not going to maybe make that necessarily a whole lot better, but at least if you go 10-20' back, you're getting farther off of the sidewalk and the front street and, I think, from the angles of the sidewalk it's going to look more uniform than if you don't put a standard at all and they just do a 1' deal, and then I think you're really kind of to the clown look, if you will, of the buildings. I think you kind of start creating a goofy look, potentially, that looks very fake.

Mr. McKown – What's our minimum building height here?

___ – Two stories.

Mr. McKown – I think I just heard somebody say 2 stories. What's the vertical on that?

Mr. Morris – In the blue we can go up to 3 stories.

Ms. McMahon – But, to your point, we haven't made stories a specific amount of feet. So, yes, I could build a 2-story building or a 3-story building that is 42' tall, and you could build one that is 37'.

Mr. McKown – Okay. This side is – they're both 24' tall, and this side has got the first 20' back – this one is full depth 50' back. I'm going to rotate it around a little bit so you can – so that's from the sidewalk looking up. That's the 50' side. It's negligible, if not having the building with the jog in it actually might be kind of nice. Because, instead of ...

Councilmember Hickman – I think we're all agreeing that you can set in.

Mr. McKown – If you watch this, you're going to – I'm about 16' tall right now. But if you're walking down the street, this building alone, at least you see windows back here. You have a blank wall and then some windows back here. It's not a terrible thing. Let's say

there's an existing single-story house adjacent to it that's 5' setback. This is thinking about the buildable area. I'm sure there's a thousand different ways to do this. Here you've got 3 bedrooms and the most miserable livingroom – we won't even call it a livingroom. Right? This is just a flat of bedrooms. Common stairs on both sides. You've got a central hallway. This is a 3-story stacked flat apartment with 6 units altogether. Right? We're going to drop the stairs on one side or the other – probably this side. I'm trying to improve it. But you could have a less miserable livingroom here in the front, find a place for the kitchen, and then have 3 bedrooms and presumably we're going to fit a bathroom in there somewhere. This is tricky to build all this and still get any back yard or parking, because this thing got much longer. But I think having those kind of design options aren't a bad thing, and I don't see how you could do this and get 4 bedrooms and get parking and meet the coverage ratios, etc. That's not quite enough to get all 3 bedrooms in.

Councilmember Hickman – So are we comfortable with the 20' wall – or taking it down to 12? If we did 40' building area, a third of that – I heard Keith make that comment – that would be 12'. From my perspective, I think that we should have some minimum from the front build line that should be connected. It sounds like your drawing was 20'.

Mr. McKown – The drawing is 20'.

Councilmember Hickman – Which I think looks totally fine.

Mr. McKown – 12 might be a decent minimum, just because – this would be having blank walls for a while.

Councilmember Hickman – Cameron, what are your thoughts?

Mr. Brewer – I think we need a minimum, primarily because then you'll end up with a false façade and if we're just trying to make a continuous streetscape look, then you're going to have someone build a building and then you won't have another building built for another 10 years and you'll just have this false little façade just to create that connection across the edge. So, at the very least, it needs to be what could proportionately be a normal room – so if that's 12', then that makes sense to me.

Mr. Adair – I hate to back up, and I almost hate to bring this up. Last time we spent all of our time talking about drainage and grading plans and side yards. Typically the drainage comes down between the houses. We've now gone to a zero-lot line in the blue area.

Councilmember Hickman – We're backing off from that, though.

Mr. Adair – What have we done to the grading plan, Scott?

Mr. Sturtz – It's a situation where you're going to have to grade to the front and to the back exclusively. You really dictated exactly what you're going to have to be able to do. The other question is, you're also going to be changing – you may have been able to do a swale through that side yard that would have acted as one of your engineering

solutions. You may have removed that situation, but not definitely, because you could still do that to the back of the house where you dropped down your downspouts.

Mr. Adair – Have we forced ourselves to a roofline that doesn't drain to the side of the house?

Mr. Sturtz – Absolutely.

Mr. Adair – This is getting more complicated with every ...

Mr. Petromilli – Once we mandate that, you really start to create problems that ...

Councilmember Hickman – If we allow it to jog back in at 12', then we've managed the problem.

Mr. Petromilli – Right. Then we can put downspouts around.

Councilmember Hickman – I guess what I'm saying – and I don't want to speak for everybody else, but it sounds like there's a compromise here that we require the building to be built to the side yard line no less than 12' from the RBL in depth.

Ms. McMahon – Yes.

Councilmember Hickman – If they choose to go farther, that's on them. But so we don't have a fake façade look, as Cameron said – I'd like for it to be longer, but I'm willing to compromise at 12, if that's what the builders and developers are saying that they kind of need to have some flexibility in. To Jim's point about the stormwater issues.

Mr. Adair – I just don't want to get us in a box where we've said you'll have no adverse stormwater effect on the adjacent lot.

Councilmember Hickman – I understand. Stephen?

Mr. McCabe – I believe that the 12 – we can address it that way. I also believe that we can drain through interior wall scuppers and downspouts inside the wall that will actually come – so to where the typical spouts are on the outside, we can bring them to the inside. I believe there's solutions to solve that problem, Jim.

Councilmember Holman – Just based off pictures – satellite images of buildings – real buildings in a place like New York and stuff, what I was noticing in that one that I showed you all specifically is that what it looks like is the whole front of the building – and in some cases, it's 5 buildings – 5 individual buildings that were maybe built at different times. But on the frontage of the street, they all look like one building. It looks like there's about one bedroom width from the build line, then it jogs back into an L-shape and there's those side yards. That's what it looks like to me, is that there is at least one room width required before you can jog it back. So I'd be okay with that.

Mr. Adair – Byron, I think they're going to need an architect.

Councilmember Hickman – Are we good, staff, or did you get all that?

Ms. Hudson – Need to vote on that.

Councilmember Hickman – Okay, so all those in favor of requiring, in the blue, to go to the side yard lot line for the first 12' of your building from the required build line, please indicate with aye. Any opposed? Okay. All support that.

Okay. I wanted to start the discussion on item number 5, and we're running out of time, but I wanted to at least get into this conversation a little bit and, depending on how it goes, we may continue chewing on it next week. The topic here is about the 3-unrelated rule within the Center City Form Based Code. We're not going to take action or discuss it in that context of the 3-unrelated rule, but I had staff do some research – there's a couple of things that we've done in other parts of the community to address large residential structures with multiple bedrooms. The two things that we talked about that the City has done – and I wanted you to kind of describe those and talk about them – is the PUD for the apartment complexes and the overlay. So can you explain those?

Ms. Hudson – I don't know exactly at what point it started; it was before I started working in the Planning Department. But there was – as the market started dictating the student housing projects – the large multi-family – Avenue, University House – staff at that time, and possibly Council – I don't know who all was involved in that – but as those applications came forward, they came forward as PUDs. Within their PUD document, it was outlined that those would in fact be a student housing project and they would be leased by the bedroom. So that got them over the hump of this discussion about the 3-unrelated – the definition of family within the zoning ordinance. In addition to that ...

Councilmember Hickman – So some of those, for example, like I'll just say, as a dad, some of those are 4 bedrooms. My son lives in one of those and I've been in it. I thought it was interesting that – because I did not know this until Jane and them did the research – so, essentially, it's an exception to our general rule of the 3-unrelated, where these – like at the Aspen, like where my son lives, it's essentially a duplex that's a 4-bedroom duplex that is rented out by the room, but because they did it through a PUD, they're legally allowed to do that by following the PUD process. So go ahead, Jane. I'm sorry – I just wanted to clarify that.

Ms. Hudson – That's okay. So then in June of 2017, staff was directed to do some additional research and bring forward to the Community Planning and Transportation Committee a proposal for the Central Norman Zoning Overlay District, and within the existing zoning ordinance it's under Section 22:429.8 and we call it the CNZOD. That was brought forward to Council. As we were going through a lot of these down-zonings that were on the east side of the tracks, the Center City Form Based Code had not been adopted yet – it was under discussion, obviously. But essentially it's the Silk Stocking neighborhood up here and then there were small areas down here south that were not included in the Miller down-zoning – Miller District went from R-3 down to R-1 – and these areas were not included. There was the overlay district called the CNZOD and, if an

applicant or property owner comes in and wants to develop 4 or more bedrooms, they're required to get approval from City Council for a special use.

Councilmember Hickman – Conceptually, as a part of this conversation – and this is the bootstraps – whatever you want to call it. We've already taken action in the Center City area where residential structures or units that have 4 bedrooms or more now, for example, have to have fire suppression. So the conversation is we could consider for residential units that have 4 bedrooms or more requiring them to go through either a CCPUD – it doesn't mean they're not going to be allowed; it just means there's going to be a little more eyesight on it. I'm looking at this as in lieu of a design review, since we don't have a design review right now. It's a process whereby it goes through the CCPUD process or a special use permit process. They're essentially the same steps. They both essentially allow a negotiation, if you will, between staff and the applicant or Council members and the applicant. The upside to it is it would, arguably – I would say for sure – legalize – provide an opportunity to make it legal to have – if you want to call it density – or to have the units that have 4 bedrooms or more in them – and so, while there's been debate about the enforceability of the 3-unrelated rule, or the City enforcing it, this would be potentially a win-win scenario where a developer could come forward and ask for 4-bedroom, 5-bedroom development, get it legally approved for that, and have that occupancy authorization – at the same time allow staff and Council to have a little more involvement in that process. So that's kind of the backdrop for this discussion and the idea was based on what the City has done in other areas. So, anyway, I wanted to open up to any committee members. What are you all's thoughts, comments on those ideas?

Ms. McMahon – I think it would be a great idea.

Councilmember Hickman – Do you have a preference – I think staff's preference would be for the special use permit, knowing that they can still do a PUD if they had other things they wanted to change, but special use permit might be a little more streamlined than having to prepare a full-blown CCPUD for just the occupancy level. But they could do that if they wanted to, so I think staff's recommendation was going to be the special use permit process because it's a little bit more simple on the applicant.

Ms. McMahon – Agreed. I think we need to streamline that as much as possible.

Mr. Morris – Which colors would this apply to?

Councilmember Hickman – I guess, conceptually, it would apply to all of the residential – any residential project.

Mr. Morris – More than 4 or 4?

Ms. McMahon – 4 or more.

Mr. Morris – Okay. So if you were wanting to build a 4-bedroom single-family home, you'd have to go through this.

Councilmember Hickman – They currently are required to right now in other areas. I mean, in the CNZOD – that requirement could come into play.

Mr. McCabe – Okay. But – my turn. But in those overlay districts – the CNZOD – those were voluntary. They came to you to get a downzoning, we missed the areas, and then we went in and corrected those areas that were missed. So you're telling me that now we're going to apply a rule to Center City only that if you want more than 4 bedrooms in a single family – I know why we're doing it, but now you're restricting them more than you're going to restrict anyplace else in Norman. That's the intent. On a single family house, you're saying you can't do more or you have to go get a special use to build a single-family home back in Center City.

Ms. Hudson – It's single family in the Central Norman Zoning Overlay District as well.

Mr. McCabe – It is now. Correct.

Councilmember Hickman – And those folks didn't do a petition to get that done.

Mr. McCabe – Well, they did the downzoning. Correct?

Ms. Hall – Not in that area.

Councilmember Hickman – Not in that area.

Mr. McCabe – In which area?

Councilmember Hickman – The Central Norman Zoning Overlay District was not in the downzonings.

Mr. McCabe – Okay. But that's why it came in, because it was omitted from the downzoning.

Councilmember Hickman – Well, they were never included. They weren't omitted; they were never included.

Mr. McCabe – That's what I mean – maybe I'm not using my words correctly – but they were never included, and so we realized that they were not included and that's what brought forth this other – it did go through at the same time. Correct?

Councilmember Hickman – No. The zoning overlay did trail behind the actual downzoning.

Mr. McCabe – Because we realized we had missed these certain areas.

Councilmember Hickman – Just like we've realized maybe we've missed these areas in Center City that are now being built with these large massive structures with multiple bedrooms.

Mr. McCabe – Correct.

Councilmember Hickman – So the idea is that, as I would put it, Keith, for my perspective, this is a boot/suspender request, meaning that we think we have done other things, like the yard lot line – the side yard wall that now we've cut back to only 12'. We think we've done the things with the parking, but we still allow tandem parking. We think we've done things to manage the size of the units so that they'll be 3 bedrooms or less, but we don't know that for a fact. And you think the market is going away from 4, 5, 6 bedrooms, but we don't know that for a fact. But if all of those things are true, we've done things to minimize the number of bedroom units. We think the market is going away from those big units. Then putting this special use permit in there shouldn't be a big deal and it just provides protection. I will tell you it's probably the most important thing from the neighborhood people – I see Autumn and Lee both nod their heads.

Mr. McCabe – I understand Autumn and Lee's perspective on this. I truly do. But we sit there and we talk about taking of rights. We're not taking away somebody's 75' right to have the right to build a triplex because we're afraid of what's going to happen to the City. We worry about everybody else's rights, except somebody that wants to build a house with more than 4 bedrooms.

Mr. Morris – No. With 4 bedrooms. Not more than 4. With 4.

Mr. McCabe – With 4?

Mr. Morris – More than 3.

Mr. McCabe – We're putting so many – I know that we're trying to change it. So here is – I'm going to go back to this. In the scope of this committee, which is trying to clarify language that is written in this Center City Form Based Code, I do not believe it is the purview of this committee to be discussing something that's going to be settled in a court of law. There's not a word about 3 unrelated people in this book. Why are we discussing it? I know we're trying to change things; I understand where we're going, but there's not a word mentioned. I don't believe this committee should be even looking at that and wasting time. My thought.

[Ms. McMahon left the meeting at 1:10 p.m.]

Mr. Adair – Bill, what does that do to existing 4 or 5-bedroom structures?

Councilmember Hickman – It doesn't do anything. They're still subject to code enforcement if they're violating the 3-unrelated rule.

Mr. Adair – What if they want a remodel permit?

Ms. Hudson – An interior remodel would not kick it in, but an expansion of the structure would cause them ...

Councilmember Hickman – So the point is that an interior remodel would not trigger the special use permit, but if they had 2 bedrooms now and they were remodeling to add 2 bedrooms and go to 4 bedrooms, under the CNZOD model – the overlay model, that would require a special use permit going to 4 bedrooms in a single unit. So if it was a remodel to add bedrooms and that put them over the 4 bedroom – or to the 4 bedroom number, then they would have to get a special use permit. If it was a remodel and they already had 4 bedrooms, then it would not.

Mr. Adair – If you've got 4 bedrooms and you want to add a bathroom, you don't have a problem.

Councilmember Hickman – The bathroom would not trigger, because it's based on beds.

Ms. Hall – I just have to say that this is a way and a process to achieve what many different constituent groups in this area of town have been battling against. I'm just looking around the table – every one of you here are familiar with that, because we've had these ongoing discussions with multiple ways to address this issue of the 3-unrelated rule that comes up over and over and over again. I know there's really different points of view here, but from the people who are actually living in owner-occupied homes in this area of town, this is a way to still allow 4 or more, but it makes it a little bit harder, because we've been told over and over and over again, with all of these different methods that we've tried to use to address this issue, that, well, we don't know what the intent is and we can't really do this or we can't really do that. We've approached it with down-zoning. We've approached it from different ways of trying to get control over having all of the different things that we're actually trying to address here, and actually what we're trying to accomplish with Form Based Code – to have diverse types of housing that's not just a single housing type that has dominated the market in this part of town for quite a few years now. I certainly can speak freely as representing a lot of different constituent groups that have been involved in all of these issues the last few years, and say that this is a pretty creative solution that satisfies a lot of the concerns that we have as people who are actually living here, while still allowing the ability to have more bedrooms, but it's really more in line with the spirit of what's intended with the 3-unrelated rule, in my mind.

Mr. Adair – What we're proposing would not be part of the Center City Form Based Code?

Councilmember Hickman – No, it would be. It would be added to the uses. In the form code currently there's a list of uses and it would be added as a special use for dwelling units with 4 bedrooms or more. We'd have to do it that way because it would be a part of the notice to the zoning change, in lieu of doing it as an overlay because that just makes it be more complicated. I think what staff had recommended was it just be added to the Form Based Code. Because the 3-unrelated rule does apply in the Form Based Code area right now. It technically applies in all residential zones, short of where there's been these zoning allowances like these apartment complexes.

Keith, I understand your concern. I just want to point out that we don't have a crazy Council – we do, but not necessarily in the way maybe you're thinking. Because Council just approved – and Lee spoke in support of it, and so did I – there was the single family home the Wilsons own in the yellow on Park and it was just approved under a CCPUD over 4 bedrooms. They came and spoke to Council and it passed, I think, unanimously. So it's not like going through a PUD process is unduly burdensome – not like going through a special use permit process is unduly burdensome. It doesn't mean that these things won't get approved. But if we do want to optimize the opportunity – to me, this is one of those win-wins. If you bring it forward as the applicant, you get it approved, you're legal to have that occupancy and you should feel good about that, and not have to worry about finding it in the courthouse if the City ever tries to enforce the 3-unrelated rule, that I fear is a ticking time bomb, frankly. Number two, to the extent that it helps to motivate developers and builders to really look at the missing middle housing for the young professionals, for that live/work/play approach, and make somebody say okay, gosh, do I really want to get a special use permit and go to City Council? Maybe I could take the extra time like Richard does and figure out another way to design it and do something a little bit different than 4 or 5, 6 bedrooms and we get that extra missing middle housing and we don't have to have these special use permits – then great. I think that, at the end of the day, if that's what I think most all of us in the community want is that missing middle housing for young professionals. The folks that want to continue to do what they're doing and have to go through a special use permit process, you know, that process is there and they'll have all the protections under the law to ensure that Council isn't unreasonable in how they consider those applications – which, based on the structure itself, it's location, etc. So, to me, if it adds a few more steps in the process to get a bigger unit, I don't see that as burdensome or unduly burdensome. I respectfully disagree, Keith. I don't think it's taking away their property rights, because you don't have the property right to build an 8-bedroom – 8x8 bedroom duplex. You have the property right to build units on your property, but you can still build virtually anything you could have built under R-3, and you can build those bedrooms with a special use.

Mr. McCabe – I have the right to build an 8-bedroom, it's just the fact of how I fill that 8 bedrooms is where the disagreement comes from. It's not the amount of bedrooms that I build that we're in debate – it's the amount of rooms that I rent to unrelated people. It's not a bedroom count. So that's where the argument comes.

I understand the house on Park. The house on Park came in front of you, not because they wanted to build 4 bedrooms. It's they wanted to build a remodel over 50' and under the current existing laws they would have had to bulldoze and move that entire building up to the front build line. So that's why it went in front of you. So it's not the same argument. I'm sorry.

Councilmember Hickman – But it did have 4 bedrooms or more.

Mr. McCabe – But it had more than 4 bedrooms, but they did not want to conform to the Center City Form Based Code, because they're on the side of a street split that would have required them to do that had they built over a 50' larger remodel. So that's why that went that way. It wasn't because they didn't want to build in this. Again, we are not discussing amount of bedrooms, and I understand the argument and it an argument

that we've had for 15 years, since I've been here. I understand the argument. Nowhere in Form Based Code does it talk about limiting bedrooms. It is not a bedroom discussion. We have created a bedroom discussion because, in the back of our minds, we understand this white elephant in the room. But this book right here is based upon form – the form of a building, not the amount of the bedrooms. Again, I don't believe that's in our scope. I believe this is going to end up in court. That's my opinion. It's headed that way. It's going to go that way. It's got to go that way. We should not be limiting what a person – we should not take away the rights that they have right now. We shouldn't take it away.

Mr. McKown – We've done a lot of things to make the 3-bedroom or more unit less financially feasible. We've done a lot of things. You do make a really good point. There are some fantastic apartment communities here, and one over off of Imhoff that looks great, and these are rented by the bedroom kind of thing. I have no idea how you manage something like that, but they're all over the country and it's interesting.

So what I'm hearing Councilman Hickman saying is that you could end up – if we were to find a way to put it in here, you've now got this protection, just like those apartment communities end up with this allowable zoning – which is not allowable in R-4 in Norman with the 3-unrelated rule. You took a 3-bedroom apartment – which I'm unaware of any 4-bedroom apartments other than the ones that live in this rent-by-the-bedroom special zoning. So if you took a 3-bedroom apartment, like the 3-bedroom apartment that I lived in in Boston, and 5 of us lived there – we would be against – that's grad school. I was 28 years old. But anyway, that was against the rules and that would have been an illegal occupation in Norman. Might have been in Boston. I really don't know. We didn't get inspected and we didn't get caught. There were sisters, also, so we may have actually – but anyway.

If we were to add it, you've got sort of two ways to go. One, you build what you want to build and don't worry about it – business as usual. Or you come in and you say this is what I want to build and I want to be under this protection that's added to the zoning, and that could be a nice thing to have, whether or not any of it ever gets approved is a whole other thing. I think if you look at an 8-bedroom house – I could easily see an 8-bedroom house getting built in the yellow area by two different groups. I can see a wealthy family that just wants to live in walkable Norman with big old trees – they don't want to live out in Moore where I live. And so they build that 8-bedroom house. Or I could also see it's an 8-bed, 8-bath and it's very obviously going to get leased out with 8 unrelated occupants, unless you count sorority sisters as actual sisters. I don't know.

Ms. Starr – So are you saying, by having the special use requirement, a developer add the protection of having it zoned for ...

Councilmember Hickman – I think what we're saying is if you get a special use permit and you've got approved for an 8-bedroom unit, you'd have that approval for 8 occupants.

Mr. McKown – By zoning, it runs with the land.

Councilmember Hickman – And zoning runs with the land.

Mr. McKown – When I think of special use permits, I often think it's temporary for the life of this use, or the life of this building? But if it's a zoning and we do it – I mean, if I come in, it's that way forever, even if the building burns down or I decide to rebuild it bigger.

Councilmember Hickman – Guys, staff has another 1:30 so we've got just a couple minutes to wrap this up and we've got to get ...

Mr. McCabe – I guess that's what I'm looking for. I hear you. I'm really trying to figure this out. I don't want to be the line in the sand.

Councilmember Hickman – Keith, we value your opinion and appreciate you.

Mr. McCabe – I want to find an answer that's not in the court of law. Okay? I think maybe that's why you put the discussion here in front of us, is to discuss this and we can figure out a way to go. I still have my apprehensions on it. But then, again, I was for landlord registration. I was for that. So, again, I'm not completely against it, but ...

Councilmember Hickman – Before you pack up everything, real quick. Jane – and I've got one other thing to ask you guys to do.

Ms. Hudson – I don't have my calendar in front of me.

Councilmember Hickman – So we have one meeting left scheduled, and that's for next week, the 30th from 11:00 to 1:00. But we wanted to schedule one more follow-up before the 6th, so can we pencil something in for Monday, June 3rd? I know it's kind of a quick turn-around, but that gives us one more chance to get it in front of you guys before the deadline of the 6th. What can we do on Monday, June 3rd?

Mr. Adair – I've got Downtowners 11:30 to 1:30. I've got Downtowners Board – I can miss them. That's okay.

Councilmember Hickman – Can we do 11:00 to 1:00 again on Monday? Do we have any more money for lunch? Jim will buy us lunch.

Mr. Adair – Jim will do what?

Councilmember Hickman – June 3rd, 11:00 to 1:00, Center City Form Based Code meeting and we'll find a room. Stephen, go ahead. I'm sorry.

Councilmember Holman – I have a lot of heartburn about the 3-unrelated discussion. I do believe that ordinance is probably on-path towards legal challenge. My personal opinion, I don't think it will survive. It has a genesis in history based on segregation. If you'll look at the history of that ordinance – I used to live in a 14-bedroom house with 11 people. We were great neighbors and our neighbors loved us. The City kicked us out of that house and it sat abandoned for 7 years and hurt the neighborhood and hurt the values of the people next to it. So I have a lot of concerns. Several of us were students

at the time. So I've always had a lot of concern about the 3-unrelated persons ordinance, how it's burdensome on residents that have a problem and we make them have to do all these hoops to get addressed. We've just always had a lot of problems with it.

Councilmember Hickman – Well, that's why ...

Councilmember Holman – Complaint-based enforcement, so putting it in a code when it's a complaint-based ordinance – it's not even proactively enforced.

Councilmember Hickman – Yeah, and that's why I don't like it being described as 3-unrelated rule. I don't see this as really the 3-unrelated rule.

Ms. Hudson – I just want to throw this out there. One of the discussions – and this is just for you to think about between now and the next meeting. Because we do have so many students – kids – living in these units, we're not getting any sort of annual inspections to make sure that we have exit lights, the egress windows are still safe, useable – stairs are – we've got 3-story units. We're not getting any inspections on these to make sure that they're still a safe unit for these kids to live in. I feel sure that some alterations are made by the kids as they live there. Is there something that we could do to make sure that – it's not a boarding house, but we do annual inspections on the fraternities and sororities. Now, granted, they have 125 kids living in these units, but it's just something to think about that we could get ...

Councilmember Hickman – And through a special use permit, that could be part of the condition.

Councilmember Holman – Stop us – or preempt us from doing that?

Councilmember Hickman – Nope. Interestingly, the law that recently passed – this is a right twist on TIFs. Because we are in a TIF district, that State law that recently passed, as Jim said, we are exempted from it.

Ms. Hudson – So it would be a life-safety basis. Sprinkler systems, too. The sprinkler systems aren't checked annually, either.

Councilmember Holman – I think these new bigger structures need to be inspected.

Councilmember Hickman – Thank you guys very much. Good discussion. We will continue next week.

Adjourned 1:30 p.m.